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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Goldberg et al.

Attorney Docket No.:
KLA1P007/P612

Patent No.: 7,106,895

Issued: September 12, 2006

Title: METHOD AND APPARATUS FOR
INSPECTING RETICLES IMPLEMENTING
PARALLEL PROCESSING

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper and the documents and/or fees referred to as attached therein are being deposited with the United States Postal Service on June 29, 2007 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR §1.10, Mailing Label Number EV892906206US, addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Juan Peris

RESPONSE TO DENIAL OF REQUEST FOR CERTIFICATE OF CORRECTION OF APPLICANT'S MISTAKE (35 U.S.C §255, 37 C.F.R. §1.323)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: Decisions and Certificates of Correction Branch

**Certificate
JUL 06 2007
of Correction**

Dear Sir:

The Request for Certificate of Correction dated 26 October 2006 for Patent No. 7,106,895 was denied because "priority claims cannot be corrected via a C of C." However, MPEP 1481.03 states that a Certificate of Correction can be used to correct "the failure to make reference to a prior copending application pursuant to 37 CFR 1.78(a)(2) and (a)(4)" with respect to 35 U.S.C. 119(e) and 120 priority for a patent application filed prior to 29 November 2000.

In order to correct 35 U.S.C. 119(e) priority, two conditions must be fulfilled. First, "all requirements set forth in 37 CFR 1.78(a)(3) must have been met in the

application which became the patent to be corrected.” Second, “it must be clear from the record of the patent and the parent application(s) that priority is appropriate.”

37 CFR 1.78(a)(3) states that:

A nonprovisional application other than for a design patent may claim an invention disclosed in one or more prior filed copending provisional applications. In order for a nonprovisional application to claim the benefit of one or more prior filed copending provisional applications, each prior provisional application must name as an inventor at least one inventor named in the later filed nonprovisional application and disclose the named inventor's invention claimed in at least one claim of the later filed nonprovisional application in the manner provided by the first paragraph of 35 U.S.C. 112. In addition, each prior provisional application must be entitled to a filing date as set forth in § 1.53(c), have any required English-language translation filed therein within the time period set forth in § 1.52(d), and have paid therein the basic filing fee set forth in § 1.16(k) within the time period set forth in § 1.53(g).

Patent No. 7,106,895 was filed on 24 November 24 1999, so the patent falls under the provisions set forth above. The requirements set forth in 37 CFR 1.78(a)(3) were met in the application for Patent No. 7,106,895. Goldberg, Johnson and Miller are named as inventors on both Provisional Application 60/132,872 and the application for Patent No. 7,106,895. Provisional Application 60/132,872 is entitled to a filing date as set forth in 37 CFR 1.53(c) and the basic filing fee was paid within the specified time period.

It is also clear from the record of the patent and the parent application that priority is appropriate. First, Provisional Application No. 60/132,872 is referenced in the Bibliographic Data Sheet of 24 November 1999 (the filing date of Patent No. 7,106,895). Second, a search report of a corresponding PCT application was submitted with an Information Disclosure Statement on 6 October 2000. This corresponding PCT application claims priority to both Patent No. 7,106,895 and Provisional Application No. 60/132,872.

Furthermore, in *In re Lambrech*, 202 USPQ 620 (Comm'r Pat. 1976), the Commissioner indicated that omission of a specific reference to a prior grandparent application, such reference being required to enjoy the benefit of the grandparent's filing date under 35 U.S.C. 120, could be corrected as an applicant's mistake under 37 C.F.R.

323 and 35 U.S.C. 255 provided that a showing of good faith mistake was made. Donald S. Chisum, Chisum on Patents, 11.07[3][b].

Omission of a reference to an earlier application on which priority is based in a mistake 'of a minor character' which is correctable by Certificate. . . . Correction would not involve the addition of new matter, since the relation between the several cases here involved is a matter of record.

Lambrech, 202 USPQ at 621.

Therefore, Applicants respectfully submit that a 35 U.S.C. 119(e) priority claim for Patent No. 7,106,895 can be corrected via a Certificate of Correction.

Respectfully submitted,
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